

S.D.N.Y. – N.Y.C.
15-cv-2739
Preska, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of February, two thousand seventeen.

Present:

John M. Walker, Jr.,
Rosemary S. Pooler,
Denny Chin,
Circuit Judges.

Argentine Republic, YPF S.A.,

Petitioners,

v.

16-3510 (L),
16-3512 (Con)

Petersen Energia Inversora, S.A.U., Petersen Energia S.A.U.,

Respondents.

Petitioners request, pursuant to 28 U.S.C. § 1292(b), leave to appeal the portion of the district court's order declining to dismiss the complaint based on the act-of-state doctrine. In separate appeals, docketed under 16-3303 (L) and 16-3304 (Con), Petitioners challenge another portion of the same district court order, declining to dismiss the complaint based on the Foreign Sovereign Immunities Act ("FSIA"), and request that this Court exercise pendent appellate jurisdiction over the act-of-state ruling in those appeals. Upon due consideration, it is hereby ORDERED that the petitions are referred to the merits panel that will decide the FSIA appeals. That panel can decide, in the first instance, whether the act-of-state issue is appropriate for immediate appeal pursuant to this Court's pendent jurisdiction and/or § 1292(b).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A circular official seal of the United States Court of Appeals for the Second Circuit is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".